

**SEC. 36.29. Nonconforming uses and nonconforming structures.**

Existing uses and structures which do not conform to the regulations of the district where they are located shall be subject to these specific regulations in addition to the general regulations of the particular district in order to ensure that such uses and structures are not detrimental to the community, and to provide for their gradual elimination or improvement in order to further the general plan and overall goals of the city for orderly community development. (Ord. No. 11.78, 3/20/78.)

**SEC. 36.29.1. Nonconforming uses of land.**

(a) The nonconforming use of land not involving any building or structure except minor structures, such as fences and signs, or buildings less than four hundred (400) square feet in area, may be continued for a period of five years after November 14, 1966, the effective date of this provision, or five years from the date the use becomes nonconforming, whichever date is later, at the end of which period such nonconforming use shall cease or shall be changed to a conforming use.

(b) Where a nonconforming use on a lot has ceased for six months or more, such lot shall not again be used for a nonconforming use. Nonconforming use of land as used in this section shall include the use of either unimproved land or land containing minor structures such as fences, signs or buildings less than four hundred (400) square feet in area. (Ord. No. 27.66, 11/14/66; Ord. No. 35.70, 9/28/70; Ord. No. 34.73, 10/29/73; Ord. No. 11.78, 3/20/78.)

**SEC. 36.29.2. Nonconforming use of structures or buildings.**

(a) The nonconforming use of any commercial, industrial or office building located in an

"R" District, or in an area designated for residential use in the Mountain View General Plan shall be terminated within forty (40) years of the date the use became nonconforming, unless a conditional use permit is obtained from the zoning administrator in accordance with the provisions of Sec. 36.43 through 36.43.6 to authorize the continuation of such use.

In considering whether or not such a permit may be issued, in addition to procedures and criteria contained in Sec. 36.43 through 36.43.6, the following criteria shall be applied:

(1) The degree to which the use serves a need which is directly related or complementary to permitted uses of the property;

(2) The degree to which the nonconforming use creates parking, traffic, or congestion problems;

(3) The degree to which the nonconforming use can be assured not to be detrimental to the habitability of adjacent properties throughout the period of its continued use;

(4) The degree to which the general appearance will not detract from the neighborhood character or desirability.

(b) The use of a nonconforming residential building or mobile home, located in a "C", "M" or "O" District shall be allowed to continue for the structural life of the building.

(c) The nonconforming use of a conforming building or structure may be continued for a period of five (5) years from October 29, 1973, the effective date of this provision or five (5) years from the date the use becomes nonconforming whichever date is later, at the end of which period such nonconforming use shall be changed to a conforming use, or be terminated.

(d) No existing building, structure or land devoted to a nonconforming use shall be enlarged, extended, reconstructed or substituted or substantially altered, unless the use thereof is changed to a permitted use in the district in which such building, structure or land is located, except as follows:

(1) When authorized by the zoning administrator and in accordance with the provisions of Sec. 36.43 through Sec. 36.43.6, a nonconforming use may be changed to a use of the same or more restrictive nature.

(2) When authorized by the zoning administrator and in accordance with the provisions of Sec. 36.43 through 36.43.6, a nonconforming use of a building may be extended throughout those parts of the building which were manifestly designed or arranged for such use prior to the date when such use as such building became nonconforming, if no structural alterations, except for those required by law, are made therein.

(3) When authorized by the zoning administrator in accordance with the provisions of Sec. 36.43 through 36.43.6, minor additions to nonconforming residential developments may be authorized which do not exceed four hundred (400) square feet or twenty-five (25) percent of the floor area of the residential structure when it became nonconforming, whichever is less, and are only intended to increase the habitability of the home.

(e) Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(f) If the nonconforming use of a building, structure or premises ceases for a period of six (6) months or more, said use shall be considered abandoned; and said building, structure or premise shall thereafter be used only for uses permitted in the district in which it is located.

(g) Where a structure or building containing a nonconforming use is damaged or destroyed by any natural disaster or accident and repair or replacement exceeds fifty (50) percent of the cost construction of a comparable new building (as determined by the chief building inspector) it shall not be reconstructed to accommodate a nonconforming use. It may only be restored and used in conformity with the provision of the district.

(h) All uses nonconforming at the time of adoption of this chapter, by reason of non-compliance with the performance standards stipulated in Sec. 36.36 through 36.36.6, shall adopt necessary measures and conform within three (3) years of the adoption of this chapter or shall be discontinued.

(i) All uses, nonconforming by reason of non-compliance with the provisions related to private swimming pools described in Sec. 36.39, shall be made to conform therewith prior to April 1, 1971. (Ord. No. 27.66, 11/14/66; Ord. No. 11.68, 3/11/68; Ord. No. 34.73, 10/29/73; Ord. No. 21.75, 6/30/75; Ord. No. 11.78, 3/20/78.)

### SEC. 36.29.3. Nonconforming structures or buildings.

(a) Any nonconforming commercial, industrial or office building located in an "R" District or in an area designated for residential uses in the Mountain View General Plan, shall be removed within forty (40) years of the date the building or structure became nonconforming unless a conditional use permit is obtained from the zoning administrator in accordance with the provisions of Sec. 36.43 through 36.43.6 to authorize the continuation of the building or structure.

(b) Any nonconforming residential building, structure, or mobile home, located in a "C", "M" or "O" District shall be allowed to continue for the structural life of the building, structure or mobile home.

(c) Any expansion of a nonconforming building or structure must comply with the latest applicable property development standards of the district and not increase the degree of non-conformity which exists on the property.

(d) Such repairs and maintenance may be made to a nonconforming building or structure as required to keep it in safe condition provided no structural alteration or replacement shall be made except as required by law or ordinance.

(e) An existing nonconforming building or structure which is damaged by natural disaster or accident, and the cost of restoration does not

exceed fifty (50) percent of the cost of construction of a comparable new building (as determined by the chief building inspector) may be restored and used as before, provided that such restoration be completed within one (1) year of such happening. Where damage exceeds fifty (50) percent, such building may only be restored or replaced in accordance with the latest applicable property development standards of the district except as provided in Sec. 36.29.3(f).

(f) If a nonconforming residential development located in any residential district is destroyed by any natural disaster or accident by more than fifty (50) percent of the cost of construction of a comparable new building (as determined by the chief building inspector) the building or structure may be reconstructed within one (1) year of such happening with the same number of units, provided that the reconstructed portions conform to the latest property development standards of the district applicable to the total number of units on the site at the time of reconstruction (e.g., R3\* development standards must be complied with of any development having three or more units).

(g) When authorized by the zoning administrator in accordance with the provisions of Sec. 36.43 through 36.43.6, minor additions to nonconforming residential developments may be authorized which do not exceed four hundred (400) square feet or twenty-five (25) percent of the floor area of the residential structure when it became nonconforming, whichever is less, and are only intended to increase the habitability of the home.

(h) When a development does not meet development standards of the zone, modifications which bring the development more into conformance with the zone may be permitted with site plan and architectural approval. (Ord. No. 25.75, 7/14/75; Ord. No. 11/78, 3/20/78; Ord. No. 10.83, 4/26/83.)

**SEC. 36.29.4. Nonconforming signs.**  
**Discontinuance generally.**  
**Discontinuance of signs in**  
**Castro Square Revitalization**  
**Area. Discontinuance of signs**  
**in proposed right-of-way for**  
**El Camino Real. Discon-**  
**tinuance of window signs.**

(a) **Discontinuance generally.** All signs, billboards, or commercial advertising structures except window signs—see subsection (d)—which do not conform to the requirements of this chapter may be continued until July 1, 1975, or five (5) years from the date it becomes nonconforming, whichever is later, at which time such nonconforming signs shall be modified to conform to the requirements of this chapter or shall be removed. All signs, billboards, or commercial advertising structures in a planned community (P) district which do not conform to the provisions of the precise plan applicable thereto shall be removed or modified to conform to the provisions of such precise plan by the date, if any, specified in such plan or five (5) years from the date such sign, billboard or commercial advertising structure became nonconforming, whichever is later. Any modification of the standards applicable to a sign, either by ordinance change or by imposition or amendment of the sign standards in a precise plan, shall not be construed as extending the amortization period of any sign which was nonconforming prior to such modification. Any sign, billboard or commercial advertising structure not removed or brought into conformity with the requirements of this chapter, or any applicable precise plan, by the date specified above, is hereby declared to be a public nuisance and may be abated by the city attorney or other appropriate city official.

**(b) Discontinuance of signs in Castro Square Revitalization Area.**

(1) Notwithstanding the provisions of subsection (a) of this section:

(a) All signs, billboards or commercial advertising structures which do not conform to the

signing requirements of Sec. 36.15.6 or Sec. 36.16.6, as such sections were amended by the adoption of Ordinance No. 27.66, and which, in addition thereto, do not conform to the signing provisions of Sec. 36.15A.9, may be continued until September 19, 1983, or until two (2) years after the signing of an owner-participation agreement affecting the subject lot, whichever date first occurs.

(b) All signs, billboards or commercial advertising structures which conform to the signing requirements of Sec. 36.15.6 or Sec. 36.16.6, as such sections were amended by the adoption of Ordinance No. 27.66, but which do not conform to the signing provisions of Sec. 36.15A.9, may be continued until September 19, 1983, unless the owner of the sign agrees to remove such sign at an earlier time pursuant to the provisions of an owner-participation agreement affecting the subject lot.

(2) Any sign, billboard or commercial advertising structure not removed or brought into conformity with the requirements of Sec. 36.15A.9 on or before the dates specified hereinabove, is hereby declared to be a public nuisance and may be abated by the city attorney or other appropriate city official.

(c) **Discontinuance of signs in proposed right-of-way for El Camino Real.** Notwithstanding the provisions of subsection (a) of this section, any nonconforming sign, billboard, or commercial advertising structure which is located at least partially in the proposed right-of-way for El Camino Real, and which, together with any or all other signs on the lot, does not violate the aggregate area and number limitations of this chapter may be continued until six (6) months after a decision has been made by the city council on whether to modify the right-of-way line for El Camino Real, and, in the event of such modification, determining the official grades thereof; provided, the owner of the sign, and the owner of the property, if different, execute and record an agreement with the city, approved by the city attorney, by which they agree to remove the sign

from the proposed right-of-way upon written demand by the city at the expiration of such period, and to waive any claim to damages relating to the sign and/or its removal. Said agreement shall be binding upon future owners and occupants of such property.

(d) **Discontinuance of window signs.** Notwithstanding the provisions of subsection (a) of this section, any window sign occupying greater than twenty-five (25) percent of the window area may be continued until November 26, 1980, at which time such nonconforming sign shall be modified to conform to said requirement or shall be removed. (Ord. No. 27.66, 11/14/66; Ord. No. 21.75, 6/30/75; Ord. No. 25.75, 7/14/75; Ord. No. 29.75, 8/18/75; Ord. No. 11.78, 3/20/78; Ord. No. 35.78, 10/16/78; Ord. No. 43.79, 11/26/79.)